



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

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SEP 30 2013

Ref: EPR/N

Mr. Donald Simpson
Wyoming State Director
U. S. Bureau of Land Management
P.O. Box 1828
Cheyenne, WY 82003-1828

Mr. Mark Gabriel
Administrator
Western Area Power Administration
P.O. Box 281213
Lakewood, CO 80228-8213

Re: TransWest Express Transmission Project Draft
Environmental Impact Statement
CEQ #20130180

Dear Mr. Simpson and Mr. Gabriel:

The U.S. Environmental Protection Agency (EPA) Regions 8 and 9 have reviewed the TransWest Express Transmission Project Draft Environmental Impact Statement (EIS) prepared by the U.S. Bureau of Land Management (BLM) and the Western Area Power Administration (Western). Our comments are provided for your consideration pursuant to our responsibilities and authority under Section 102(2)(C) of the National Environmental Policy Act (NEPA), 42 U.S.C. Section 4332(2)(C), and Section 309 of the Clean Air Act, 42 U.S.C. Section 7609. It is the EPA's responsibility to provide an independent review and evaluation of the potential environmental impacts of this project, which includes a rating of the environmental impact of the proposed action and the adequacy of the NEPA document.

Based on the EPA's procedures for evaluating potential environmental impacts on proposed actions and the adequacy of the information present, the EPA is rating the Agency Preferred Alternative an "EC-1" (Environmental Concerns – Adequate). This letter documents the EPA's concerns and recommendations for the Final EIS. A full description of the EPA's rating system is included as an enclosure.

PROJECT DESCRIPTION

The project applicant, TransWest Express, LLC (TransWest), proposes constructing and operating an approximately 725 mile-long, 600-kilovolt direct current transmission line, delivering approximately 3,000 megawatts of electric power from existing and future renewable and other energy sources in south-central Wyoming to a substation hub in southern Nevada. The project will serve Utah, Arizona,

Nevada and Southern California. Other project components are two terminal stations near Sinclair, Wyoming and the Marketplace Hub near Boulder City, Nevada with AC/DC converter stations; access roads; and ancillary facilities, including communications systems and two ground electrode facilities. Included in the proposed action is a potential interconnection at the Intermountain Power Plant near Delta, Utah.

Over 60 percent of the land along the alignment is federally-managed, mostly BLM, primarily for oil and gas development and grazing. Because the project covers such a large area, it was broken into four geographical regions with between three and six alternatives analyzed for each region.

EPA'S COMMENTS AND RECOMMENDATIONS

The EPA appreciates the BLM's and Western's commitment to preparing a dust control and air quality plan and a vegetative management plan to control noxious weeds as part of the Construction, Operation, and Maintenance Plan (COM Plan), which we understand will be in the Record of Decision. The EPA was also pleased to see in Appendix D that the BLM and Western have developed a framework for co-location of other transmission lines within the corridor that allows for less stringent separation criteria between lines where decreased separation distances could reduce impacts to highly sensitive resources.

Mitigation and Monitoring

Appendix C detailed five different sets, some with subsets, of mitigation measures and best management practices (BMPs) for the project – (1) The Westwide Energy Corridor Final Programmatic EIS BMPs, (2) Applicant-committed Design Features, (3) State and BLM Land Use Stipulations for Transmission ROWs, (4) Applicable USFS Standards and Guidelines and (5) Additional Mitigation Measures Prescribed for the TWE Project. The lists contain overlapping measures and practices, some more protective than others. We were not able to determine which of the various measures and BMPs would be applicable, or whether applicability varies by land ownership along the corridor. Clarifying how and where mitigation and BMPs will be applied will assist the decision-maker and the public in understanding the potential environmental impacts associated with this project. We offer the following recommendations to improve the clarity of this important section:

- Reorganize this appendix by resource so that the reader can easily determine what mitigation measures will be used to protect specific resources, such as water and air
- Reconcile the overlapping measures by explaining which measures will be implemented
- Specify whether each mitigation measure and BMP applies throughout the corridor or only to federal lands or to tribal, state and private lands.

When there are different protection levels among the various BMPs, the EPA recommends using the most environmentally protective standards or providing a rationale for why a less stringent measure was selected.

We understand that, like the Gateway West Transmission Line Project, a third party independent monitor will be hired to ensure compliance with mitigation commitments. The EPA commends the BLM and Western for this decision and looks forward to seeing this commitment described in the Final EIS.

The EPA also recommends that the project applicant consider adopting the same environmental protection standards and mitigation measures throughout the alignment unless a non-federal land owner objects to a specific measure.

Aquatic Resources

The Draft EIS cites Executive Order 11990 (Protection of Wetlands) in Table 3.5-1, but does not discuss how the agencies will implement the Order, including the requirement to ensure mitigation of unavoidable impacts to all wetlands and waters of the U.S. The EPA recommends that the Final EIS address this issue.

Please note that crossings of waters of the U.S. may trigger the need for a Clean Water Act (CWA) Section 404 permit. The type of permit will depend on the number of crossings on the same waterbody and the extent of disturbance. The CWA 404 permits on tribal lands will also require a CWA Section 401 water quality certification from the EPA's regional office.

Table 3.4-3 lists impaired water bodies, but designated uses are not described. This is important because there is the potential, for example, that additional sedimentation could impact drinking water resources. The EPA recommends adding the designated use of the listed water bodies to this table and indicating whether these uses will be adversely affected by the project.

We understand that the project proponent has not indicated a need for man camps. However, the Draft EIS states that housing in Central Utah is limited and the availability of temporary housing, especially in Lincoln County, Nevada, is constrained and distant. The EPA recommends that the project applicant make a commitment in their COM Plan to site and design temporary lodging facilities with waste handling practices that ensure protection of surface water and groundwater if they determine that man camps are needed.

Air Quality

Our review found an inaccuracy in the data in Table 3.1-1, *National and State Ambient Air Quality Standards*, (pg. 3.1-1). The national ozone standards are now 0.075 parts per million (ppm), instead of 0.08 ppm. The EPA recommends updating the table with the most recent criteria found at <http://www.epa.gov/air/criteria.html>.

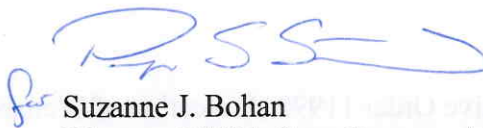
We also note the Draft EIS incorrectly lists the conformity thresholds for Clark County, Nevada (pg. 3.1-22). The EPA recommends revising the text to correct the conformity threshold information as follows:

- Conformity Thresholds – 100 tons per year for NO_x, CO, VOC, and SO_x; 70 tons per year for PM₁₀

Thank you for the opportunity to provide comments on the TransWest Express Transmission Project Draft EIS. If you have any questions or would like to discuss our comments, please contact me at 303-

312-6925 or the lead reviewer of this project, Carol Anderson, at 303-312-6058. Ann McPherson of EPA Region 9 also provided comments and can be reached at 415-972-3545.

Sincerely,



Suzanne J. Bohan
Director, NEPA Compliance and Review Program
Office of Ecosystems Protection and Remediation

Enclosure: EPA's Rating System

cc: Sharon Knowlton, BLM Project Manager



U.S. Environmental Protection Agency Rating System for Draft Environmental Impact Statements

Definitions and Follow-Up Action*

Environmental Impact of the Action

LO - - Lack of Objections: The Environmental Protection Agency (EPA) review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC - - Environmental Concerns: The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce these impacts.

EO - - Environmental Objections: The EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no-action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EU - - Environmentally Unsatisfactory: The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

Adequacy of the Impact Statement

Category 1 - - Adequate: EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis of data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2 - - Insufficient Information: The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new, reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses or discussion should be included in the final EIS.

Category 3 - - Inadequate: EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the National Environmental Policy Act and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

* From EPA Manual 1640 Policy and Procedures for the Review of Federal Actions Impacting the Environment. February, 1987.

